

GERMANY 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The Basic Law and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government made efforts to improve the integration of Muslims and other minorities into society, investigated and prosecuted criminal behavior against religious groups, and promoted tolerance education. There were, however, reports of discrimination at the federal and state level against some religious minorities, notably Scientologists, Jehovah’s Witnesses, and Muslims.

There were reports of societal abuses based on religious affiliation, belief, or practice, particularly on the part of right-wing groups and Muslim youth from immigrant backgrounds against some minority religious groups. Vandals desecrated some Jewish cemeteries. Muslims sometimes suffered societal discrimination. The Roman Catholic and Protestant churches continued to use “sect commissioners” to warn the public of alleged dangers from some religious groups such as the Unification Church, the Church of Scientology (COS), Universal Life, and Transcendental Meditation practitioners. Some employers used written agreements known as “sect filters,” asking potential new employees to confirm they had no contact with Scientology, had not participated in its training courses, and rejected its doctrines. Many members of civil society, including the Central Council of Muslims in Germany, the Turkish community, and prominent Jewish groups, promoted tolerance programs, interreligious dialogue, and efforts to improve Muslim integration.

The U.S. government emphasized its support for direct dialogue between representatives of minority religious groups and concerned government officials. The U.S. embassy engaged Muslim communities through public outreach, exchanges, and other programs promoting religious tolerance, diversity, and greater understanding among religious groups.

Section I. Religious Demography

The U.S. government estimates the total population at 81.1 million (July 2013 estimate). There are no official statistics on religious groups. Unofficial estimates and figures provided by religious groups indicate the Roman Catholic Church has approximately 24.4 million members and the Protestant Church (a confederation of the Lutheran, Uniate, and Reformed Protestant denominations) has approximately

GERMANY

23.6 million members. Together, the two groups account for more than 60 percent of the population. Other Protestant denominations that together account for less than 1 percent of the population include the New Apostolic Church, Baptist communities (Evangelical Christian Baptists, International Baptist Convention, Reformed Baptists, Bible Baptists, and others), and evangelical nondenominational Baptists.

There are approximately 4 million Muslims, including 2.6 million Sunnis, 500,000 Alevis, and 280,000 Shia, together making up 5 percent of the population.

Orthodox Christians number approximately 1.5 million. Smaller religious groups include Buddhists, Hindus, Jehovah’s Witnesses, and the COS. The country’s Jewish population is estimated at between 112,000 and 250,000, of which approximately 103,000 are registered members of Jewish communities. Roughly 28 million persons (33 percent of the population) either have no religious affiliation or are members of unrecorded religious groups.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Basic Law (the constitution) and other laws and policies generally protect religious freedom.

Religious groups are not required to register with the state, and groups may organize themselves for private religious purposes without constraint. Religious groups wishing to qualify as nonprofit associations with tax exempt status must register. State-level authorities review registration submissions and routinely grant tax-exempt status; if challenged, their decisions are subject to judicial review. Groups applying for tax-exempt status must provide evidence through their statutes, history, and activities they are a religious group.

Religion and the state are separate, although a special partnership exists between the state and religious groups with “public law corporation” (PLC) status. Any religious group may request PLC status, which entitles the group to appoint prison, hospital, and military chaplains and to levy tithes (averaging 9 percent of income tax), which the state collects on its behalf. PLCs pay fees to the government for the tithing service, but not all groups use it. PLC status also allows for tax exemptions and representation on supervisory boards of public television and radio stations.

GERMANY

The decision to grant PLC status is made at the state level based on an assurance of the group's permanence, its size, and an indication the group is not hostile to the constitutional order or fundamental rights. An estimated 180 religious groups have PLC status, including the Protestant and Catholic churches, the Jewish community, The Church of Jesus Christ of Latter-day Saints (Mormons), Seventh-day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army. Thirteen of the 16 federal states have granted the Jehovah's Witnesses PLC status. No Muslim communities have PLC status. The COS does not have PLC status in any state.

Various laws at federal and state levels do not allow some Islamic or other religious practices, including halal or kosher ritual slaughter and the segregation of older girls and boys during gym classes. Laws on animal protection do not allow ritual slaughter, with some limited exemptions.

The law allows male circumcision for religious reasons, as long as it is performed in a medically professional manner and without unnecessary pain.

Currently, eight states maintain headscarf bans, and in some cases bans of any religious symbol, for teachers in public schools. In some states, these bans are extended to all civil servants. Courts have upheld headscarf bans in several cases.

The criminal code prohibits inciting disturbances of the public order by insulting faiths, religious societies, and ideological groups. Infractions are punishable by up to three years in prison and a fine.

The government subsidizes some religious groups for historical and cultural reasons. Because of Germany's role in the Holocaust, states have accepted as an ongoing duty the obligation to provide financial support to the Jewish community, including renovating old synagogues and constructing new ones. An agreement between the federal government and the Central Council of Jews provides supplemental funding to the Jewish community to help maintain Jewish cultural heritage, restore the Jewish community, and support integration and social work. The federal government also covers 50 percent of maintenance costs for Jewish cemeteries.

State governments also subsidize religiously affiliated institutions providing public services, such as religious schools and hospitals.

GERMANY

Although the law prohibits discrimination on the basis of religion, a Federal Constitutional Court ruling permits the government to characterize “nontraditional” religious groups as “sects,” “youth religions,” and “youth sects,” and allows the government to provide “accurate information” or warnings about them to the public. The ruling prohibits the government from defaming these religious groups by using terms such as “destructive,” “pseudo-religious,” or “manipulative.”

All states offer religious instruction and ethics courses in public schools. Most public schools offer Protestant and Catholic religious instruction in cooperation with those churches, as well as instruction in Judaism if enough students express interest. In most states, students who do not wish to participate in religious instruction may substitute ethics courses. State authorities generally permit religious groups to establish private schools as long as they meet basic curriculum requirements. Schooling is mandatory with no provision for homeschooling, including for parents who want to home-school for religious reasons.

The government is a member of the International Holocaust Remembrance Alliance, formerly the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

Government Practices

Discrimination against some religious groups remained a problem at the local levels of the federal government, as well as on the part of some states. Some state governments and federal agencies continued to decline to recognize certain belief systems as religions, making them ineligible for tax benefits, although not affecting their ability to engage in public and private religious activities.

On June 1, the state of Rhineland Palatinate became the thirteenth state (of 16) to grant PLC Status to the Jehovah’s Witnesses. The states of Bremen and Baden-Wuerttemberg continued to deny PLC status to Jehovah’s Witnesses, and the group’s application in NRW, filed in 2006, remained pending. The Jehovah’s Witnesses were not able to alleviate those states’ concerns over the perceived divergence of the views of Jehovah’s Witnesses from constitutional principles – for example, their opposition to blood transfusions for children despite constitutional protections for the rights of the child.

In April the state of Hesse granted PLC status to the Bahai community, following a November 2012 ruling by the Federal Administrative Court in Leipzig. On June 7,

GERMANY

the Arnsberg Administrative Court granted PLC status to the Hindu Temple Association based in Hamm, North Rhine-Westphalia (NRW); the state government applied for approval to appeal.

In September the Federal Administrative Court in Leipzig ruled against exempting a seventh-grade student from Bocholt from viewing a screen adaptation of the book *Krabat*, by Ottfried Preussler, during German classes. The student's parents, as Jehovah's Witnesses, had argued the film depicted practices of "black magic," which their religion did not allow. Although a lower court had ruled the request for exempting individual students from school lessons was justified, the higher court revised the ruling, emphasizing that exemption was possible only in the case of "serious impairment of religious interests."

In October the Kassel Regional Court in Hesse rejected a family's appeal to be allowed to home-school their children on religious grounds. The family argued mandatory school attendance exposed their children to pornographic images during sex education classes. The court upheld a lower court's fine of 700 euros (\$964) per parent for failing to send their children to school, but the family stated it planned to continue to home-school despite the ruling. The family appealed the decision with the higher Frankfurt Regional Court.

The status of the Church of Scientology remained in limbo. The Constitutional Court and various courts at the state level have not explicitly ruled Scientology is a religion.

Government agencies at the federal and state level had rules and procedures that discriminated against the COS as a group and against its members. Four of the major political parties (the Christian Democratic Union, Christian Social Union, Social Democratic Party, and Free Democratic Party) excluded Scientologists from party membership.

Scientologists continued to report instances of governmental discrimination. Although courts at the state and federal level condemned the improper use of "sect filters" to blacklist and boycott Scientologists, they remained in use in the public and private sectors. "Sect filters" typically asked potential new employees to give written confirmation they had no contact with Scientology, did not participate in its training courses, and rejected its doctrines.

In January the city of Hamburg stipulated potential tutors for elementary school children must sign a contract that included a "sect filter" declaring neither they nor

GERMANY

their employees would teach according to Scientology methods. In August the city of Munich solicited bids for leading seminars on philosophy for high school students and included a similar requirement for a sect filter in the bid announcement.

The federal and state Offices for the Protection of the Constitution (OPCs) in Baden-Wuerttemberg, Bavaria, Berlin, Bremen, Hamburg, Lower Saxony, NRW, and Thuringia monitored the activities of the COS, mainly focusing on evaluating Scientology publications and public activities to determine whether they violated the constitution. The COS reported OPC representatives regularly contacted Scientologists to question them about the organization. The COS also reported the OPC collected names of members from church publications and archived the information to use in citizenship and employment proceedings.

A number of Muslim groups suspected of furthering “extremist” goals remained under observation by state and federal OPCs. Examples included the Islamische Gemeinschaft in Deutschland (Islamic Community in Germany), connected with the Muslim Brotherhood, whose ideology the OPCs considered “socially disintegrative.” The OPCs also suspected the 30,000-member Islamische Gemeinschaft Milli Goerues (Milli Goerues Islamic Community) of spreading Islamic doctrine rejecting democracy.

The number of Islamic religion classes in public schools continued to grow. Because education remained a state responsibility and there was no nationally recognized Islamic group to assist in developing a curriculum or providing services, the form and content of Islamic instruction varied from state to state. The Alevite community offered religious lessons in schools in seven federal states, involving roughly 12,000 students. Curricula were usually developed in cooperation with the respective state governments. NRW was the first state to offer Alevite religious lessons in secondary schools.

Although two Muslim groups signed an agreement with Lower Saxony in 2012 to facilitate religious support for Muslim prisoners, in February the NRW Justice Ministry turned down offers by imams to provide support for Muslim prisoners in that state due to concerns about possible connections to Salafist groups.

In June a district court in Bremen affirmed a lower court’s ruling that upheld a ban on headscarves in a commercial gym. A female member of the gym had sued the owners for discrimination after they had canceled her contract because she had worn a headscarf while exercising. The district court found the ban to be legal

GERMANY

because it also banned jewelry with the intent of preventing injuries while exercising. No appeal of the decision was possible. In contrast, in an NRW employment case in November, a court underscored a female public servant's right to wear a headscarf at work. The County of Mettmann had originally denied her employment due to breach of trust based on supposedly contradictory statements about her desire to wear a headscarf; the court found no evidence of such behavior.

On September 11, the Federal Administrative Court ruled a 13-year-old Muslim student from Hesse must participate in mandatory school swimming classes, despite her objections the swimwear violated her religious freedom. The court ruled the student had the option of wearing modest swimwear. The court denied her claim that forcing her to participate with students wearing less modest swimsuits violated her religious freedom, stating it could not dismiss social realities to protect an individual's religious beliefs.

In July the Federal Ministry for Education announced it will provide seven million euros (\$9.64 million) in funding for a Lower Saxony-based program to award scholarships to Muslim university students, the first such program for Muslim students to receive federal funding.

In September the NRW government founded the first institutional forum for dialogue with Muslim organizations with the stated intention of intensifying cooperation between the state and Muslim communities. The forum's mandate is to address issues such as religious practices of Muslim prisoners, prevention of extremism, and anti-Islamic sentiments. The NRW Labor and Integration Minister will chair the forum which includes integration experts and representatives from national Muslim organizations.

In September the Upper Administrative Court in Muenster ruled a Catholic school in Paderborn had the right to refuse acceptance of a Muslim student after the student's parents refused to let the student participate in religious instruction and the Mass. The student's parents maintained the school's requirement to participate was a violation of the Constitution.

Since 2012, the federal government has provided 10 million euros (\$13.77 million) annually, double the previous amount, to help maintain Jewish cultural heritage. In addition, the federal government provided financial support for the Institute for Jewish Studies in Heidelberg, the Rabbi Seminar at the University of Potsdam, and the Leo Baeck Institute. The states provided additional funds to Jewish organizations in various amounts. For example, in July NRW updated its

GERMANY

agreement with state Jewish organizations, providing eight million euros (\$11 million) of state funding to the Jewish community and additional security measures worth up to two million euros (\$2.75 million).

In October the Central Council of Jews began training for *mohels* (individuals who perform ritual Jewish circumcisions) by medical professionals on how to perform male circumcisions in accordance with the provisions of the new law governing the procedure.

Improvements in Respect for Religious Freedom

In January the mayor of Bremen signed an agreement with Muslim organizations codifying constitutional and legal rights and obligations in the relationship between Bremen and its Muslim community, such as recognition of Muslim holidays, regulation of Islamic burials in public cemeteries, and construction of mosque domes and minarets. This agreement and a similar 2012 agreement in Hamburg, the first of its kind, did not grant PLC status to Muslim organizations.

Several states including Baden-Wuerttemberg, Lower Saxony, Berlin, and NRW, introduced Islamic religious instruction equivalent to Protestant and Catholic classes, mostly by cooperating with Muslim communities in the form of advisory councils. In August NRW authorities expanded Islamic religious instruction to the secondary school curriculum after having first introduced Islamic courses one year earlier in public elementary schools. Approximately 4,500 elementary and secondary students received Islamic instruction in NRW. The content was determined by an advisory board consisting of four members of the Muslim Coordination Council (Koordinierungsrat der Muslime - KRM) and four members of the government chosen with the KRM's consent. Muslim groups in NRW publicly welcomed the development. Rhineland-Palatinate continued expanding its Islamic religious instruction offerings in elementary and secondary schools, and Hesse included Islamic lessons in its general curriculum in some elementary schools. The Bavarian government's five-year pilot project for providing school courses in Islam continued, although without input from Muslim communities, with approximately 10,500 mainly elementary students receiving Islamic instruction.

On November 19, the University of Potsdam officially inaugurated the first institute focused on Jewish theology in Germany within a framework of academic studies, parallel to Christian theological programs; an Islamic program started in

GERMANY

2010. The first class of 47 students was larger than expected, and half of them stated they will train to become rabbis and cantors.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, and practice. Because ethnicity and religion were often closely linked, it was difficult to categorize many incidents specifically as ethnic or religious intolerance.

According to the federal OPC’s 2012 annual report, it recorded 1,286 “politically motivated crimes” nationwide that included manifestations of anti-Semitism. Of those, 36 involved violence.

Anti-Semitic acts and threats recorded by Germany’s Criminal Police Notification Service declined from 1,268 to 1,239 from 2010 to 2011, the last full year for which data was available. The European Union’s Fundamental Rights Agency survey on anti-Semitism, released in November, found 40 percent of 608 German respondents (out of a “core Jewish population” of 119,000) had experienced or observed anti-Semitic verbal or physical attacks, and 71 percent of respondents had not reported these incidents to the police; 68 percent believed anti-Semitism had gotten worse over the past five years; and 25 percent had considered emigrating because of anti-Semitism.

The authorities and nongovernmental organizations (NGOs) attributed most anti-Semitic acts to neo-Nazi or other right-wing groups or individuals, some of whom claimed Jews were the cause of negative modern social and economic trends. NGOs monitoring and working to counter anti-Semitism reported a rising anti-Semitic trend among Muslim youth, who were increasingly involved in attacks on and harassment of Jews. Federal authorities generally took action against anti-Semitic offenses.

The Berlin-based Amadeu Antonio Foundation, which keeps a chronology of anti-Semitic incidents, reported 46 cases of anti-Semitism nationally from January through September. The most common anti-Semitic acts involved the desecration of Jewish cemeteries or monuments with graffiti that included swastikas and anti-Semitic slogans.

In April lecturers at an event on anti-Semitism organized by a chapter of the Left Party in Bremen argued characterizing criticism of Israeli policies as anti-Semitic

GERMANY

was false. When a Jewish teacher and student tried to attend the meeting, the person controlling access insulted them and denied them entry after learning they were Jews from Israel. The state-level Bremen Left Party distanced itself from the event.

In June soccer officials fined a player for singing anti-Semitic songs in the stadium. The player was suspended for three games and fined 100 euros (\$138); his team organization also paid a fine of 200 euros (\$275). In September, during a soccer game between the youth teams of Eintracht Frankfurt and Kickers Offenbach, fans of one team shouted anti-Semitic chants.

In June a group of adolescents in a parking garage in Offenbach shoved, harassed, and insulted a 30-year-old rabbi. Despite the clearly recognizable anti-Semitic remarks, the security guard on duty did not help the rabbi. Police continued investigations for insult and battery.

At least two newspapers published political cartoons criticized as anti-Semitic by Jewish groups and other media outlets: the *Sueddeutsche Zeitung* in July and the *Stuttgarter Zeitung* in August. In July the magazine *Der Landser (The Common Soldier)* received broad criticism for glorifying Nazis; in September the publisher ceased publication.

On October 2, unknown perpetrators painted approximately 42 Nazi slogans and swastikas on buildings in Salzwedel, Saxony-Anhalt. In May a group of adolescents in Darmstadt destroyed a memorial for murdered Jews, Sinti, and Roma. The city of Darmstadt filed charges. In both cases, the investigations were ongoing at year's end.

Muslim organizations complained about an increasing number of attacks against mosques. On May 18 in Dueren, unknown perpetrators allegedly motivated by political right-wing extremism painted, “The NSU continues, and you will be the next victims” on the wall in a Muslim community, referencing the National Socialist Underground (NSU), a right-wing extremist group whose members were charged with killing a policewoman and nine persons of Turkish or Greek origins over a period of 13 years.

In November perpetrators left five bloody pig heads at the site where the Ahmadiyya Muslim Community planned to build Leipzig’s first mosque. The major political parties and Leipzig’s mayor quickly condemned the attack. In

GERMANY

October local residents and the right-wing extremist National Democratic Party protested the city's approval of plans to build the mosque.

Catholic and Protestant churches continued to oppose Scientology publicly, although press reporting and public reactions to Scientology decreased. "Sect commissioners," primarily Protestant and Catholic church officials, investigated "sects, cults, and psycho groups" and publicized what they considered to be the dangers of these groups. Protestant "sect commissioners" were especially active in efforts to warn the public about alleged dangers posed by the Unification Church, the COS, Bhagwan-Osho, Transcendental Meditation, and Universal Life. Print and internet literature produced by "sect commissioners" portrayed these groups unfavorably.

"Sect filters" continued to be used in private sector employment and contracts. The COS alleged a number of companies, including some of the most prominent in the country, placed restrictions on hiring and contracting members of the COS.

In June books associated with Scientology appeared repeatedly in free public book swap facilities in Duesseldorf, garnering press coverage, both about the books and about book swap volunteers repeatedly removing the Scientology-related publications.

Many civil society groups continued to seek improved societal respect for religious freedom through tolerance programs, multi-faith groups, and dialogue. Jewish NGOs, such as the Central Council of Jews, provided input and assistance on a variety of government-sponsored tolerance education programs focusing on anti-Semitism and xenophobia.

Section IV. U.S. Government Policy

The U.S. embassy and consulates general closely monitored the government's responses to incidents of anti-Semitism, and expressed the U.S. government's concern about anti-Semitic acts.

Embassy and consulates general officials met frequently with representatives of religious groups to discuss religious freedom issues, and engaged in activities to promote positive attitudes toward minority religious groups, including the Muslim community. The embassy and consulates general conducted an active Muslim engagement program including exchanges, outreach efforts, and guest speakers. As part of the outreach program, embassy and consulate officials regularly hosted

GERMANY

activities and meetings with members of the Muslim and Jewish communities, including an iftar and a Seder. They also engaged with interfaith dialogue groups, such as the House of Religions in Lower Saxony, which regularly brought Protestant, Catholics, Jews, Muslims, Hindus, Buddhists, and Bahais together.

The embassy and consulates general met with members of the Bahai, Alevi, Coptic, and Sufi communities; the Konrad Adenauer Foundation; the Central Council of Muslims; the Central Council of Jews; the Church of Scientology; and human rights NGOs to discuss religious freedom.

Representatives of different faiths traveled to the United States as part of a U.S. government sponsored exchange program to learn about pluralism and the religious composition of the United States. The program participants included 33 young religious leaders of five different faiths who were active in shaping the religious and civic life of their communities.